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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS LIABILITY LITIGATION	)	No. MD-15-02641-DGC
	)	**AMENDED SECOND AMENDED MASTER SHORT FORM COMPLAINT FOR DAMAGES FOR INDIVIDUAL CLAIMS AND DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

   Diana Moss____

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

   ____

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

   ____

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

New York

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

U.S. District Court for the Northern District of New York

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: ______________________________

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

____

____

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☒ G2® Vena Cava Filter

☐ G2® Express Vena Cava Filter

☐ G2® X Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: ______________________________

11. Date of Implementation as to each product:

3/16/2007______________________________

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12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence – Design

☒ Count V: Negligence – Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable New York Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

~~☐~~ ☒ Count XV: Loss of Consortium

~~☐~~ ☒ Count XVI: Wrongful Death

~~☐~~ ☒ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): ______________________ (please state the facts supporting this Count in the space immediately below)

____

____

____

____

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this ~~4~~ 5th day of January, 2018.

BARON & BUDD, P.C.

By: /s//Matthew Haynie______________
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this ~~4~~ 5th day of January, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Matthew Haynie
Matthew Haynie